



**BLUFFDALE CITY PLANNING COMMISSION
MEETING AGENDA
Wednesday, April 5, 2023**

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting on **Wednesday, April 5, 2023, at 6:00 p.m., or as soon thereafter as possible** at the Bluffdale City Hall, 2222 West 14400 South, Bluffdale, Utah. This meeting may also be broadcast live to the public on the City's website www.bluffdale.com. Notice is further given that access to this meeting by Commission members may be by electronic means via telephone conference call.

PLANNING COMMISSION BUSINESS MEETING 6:00 PM

1. Roll Call.
2. Invocation/Thought/Reading and Pledge of Allegiance.
3. Approval of Planning Commission meeting minutes from March 15, 2023.
4. Election of Planning Commission Chair and Vice Chair.

LEGISLATIVE ITEMS:

5. **PUBLIC HEARING, CONSIDERATION AND RECOMMENDATION** on proposed text amendments to the Bluffdale City Land Use Ordinances regarding accessory dwelling units, Bluffdale City Code (BCC) Chapter 11.340 and associated definitions in BCC 11.20, City of Bluffdale, Applicant (Application 2022-49) – Staff Presenter, Grant Crowell.

DISCUSSION ITEMS:

6. Planning Commission Business (planning session for upcoming items, follow up, etc.).
7. Adjournment.

Dated: March 31, 2023

**Grant Crowell, AICP
Community and Economic Development Director**

Minutes

DRAFT – FOR DISCUSSION PURPOSES ONLY

**BLUFFDALE CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, March 15, 2023**

1 **Present:**

2

3 **Members:** **Debbie Cragun, Chair**
4 **Kory Luker (arrived late)**
5 **Ulises Flynn**
6 **Tina Griffis**
7 **Michael Kraupp**
8 **Erik Swanson**

9

10 **Staff:** **Grant Crowell, Community and Economic Development Director**
11 **Jennifer Robison, Senior City Planner**
12 **Ellen Oakman, Associate City Planner**
13 **Mark Reid, City Manager**
14 **Shane Paddock, Public Works Director**
15 **Tiffini Shinsel, Community Development Coordinator**
16 **Courtney Armstrong, AV Technician**

17

18 **Public:** **Scott Holmes**

19

20 Chair Debbie Cragun called the meeting to order at 6:00 p.m.

21

22 **PLANNING COMMISSION BUSINESS MEETING**

23

24 **1. Roll Call.**

25

26 All members of the Planning Commission were present.

27

28 **2. Invocation/Thought/Reading and Pledge of Allegiance.**

29

30 City Manager, Mark Reid offered the invocation and led the Pledge of Allegiance.

31

32 **3. Approval of the Planning Commission Meeting Minutes from January 4 and January**
33 **18, 2023, and December 7, 2022, as Revised.**

34

35 **Ulises Flynn moved to APPROVE the Planning Commission Meeting minutes from January 4**
36 **and 18, 2023, and December 7, 2022, as revised. Tina Griffis seconded the motion. Vote on**
37 **motion: Ulises Flynn-Aye; Tina Griffis-Aye; Erik Swanson-Aye; Michael Kraupp-Abstained;**
38 **Debbie Cragun-Aye. The motion passed unanimously with one abstention. Kory Luker was**
39 **not present for the vote.**

40

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1 **ADMINISTRATIVE ITEMS**

2
3 4. **CONSIDERATION AND VOTE on a Proposed Site Plan for the City of Bluffdale Public**
4 **Works Complex located on 7.42 Acres located at 3301 West 13800 South, City of**
5 **Bluffdale, Applicant. (Application 2023-01) – Staff Presenter, Grant Crowell.**
6

7 Chair Cragun reported that the above agenda item would not include a public hearing. The Planning
8 Commission would be making the final decision on this application.

9
10 Community and Economic Development Director, Grant Crowell, presented the staff report and
11 stated that it is an amazing project being proposed by the City of Bluffdale. Currently, Bluffdale City
12 has a small Public Works facility on Redwood Road north of the cemetery. The City outgrew that
13 facility many years ago and a significant amount of time has been spent identifying a location and
14 saving up for a new Public Works Complex. The proposed location is on the edge of the City
15 boundary. It is in the R-1-43 residential zone, where public uses are allowed as a permitted use. The
16 site plan specifies that 13800 South, a minor collector road, is north of the subject property, and
17 Asherwoods Cove, a private road, is to the east of the subject property. That road will not be utilized
18 as an access point for the subject property to minimize any impact on that road.

19
20 Mr. Crowell next presented the site layout. There is a large L-shaped main building, along with some
21 accessory structures for salt storage, a vac truck, bulk materials, and places for vehicles. There is also
22 a retention basin, parking area, fencing surrounding the 7.42-acre site, and open and secured areas.
23 The main building will be 34,737 square feet in size and the auxiliary buildings will be up to 11,324
24 square feet in size. There will be a lot of open yard area, concrete, and road base. The maximum
25 allowable coverage in the zone is 30% with the current site plan being well under that. There will be
26 parking for staff, the public, and training participants. There will also be an operations area and stalls
27 for large vehicles on the site.

28
29 Mr. Crowell reviewed the architecture for the main building and noted that the architect was present
30 to answer any questions. The main building will primarily consist of CMU block construction,
31 architectural metal panels and accents, glazing, and windows focused on the public-facing areas. The
32 design is intended to be durable and have the needed longevity for such an important municipal

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1 facility. No stucco or Exterior Insulation and Finish System (“EIFS”) was planned as part of the
2 proposed design. There were also elements included that were reminiscent of City Hall.

3
4 The facility will be very functional with bay doors to allow for large trucks, skylights, and aesthetical
5 appeal from the street. He reviewed the elevations for the areas facing the public on the west, east,
6 and south. He reviewed the design proposed for the building that would be used for salt storage. It
7 will be on the southwest portion of the site against the canal. Some of the buildings will not be
8 completely enclosed such as the facility for the vac truck.

9
10 Most of the site will be protected by an eight-foot concrete wall for security. The public side will
11 have open steel fencing to provide visibility without compromising security. Landscaping is focused
12 on the parking lot, frontage area, street trees, and low water use. The middle of the site will not have
13 landscaping because it would be too impractical with large trucks coming and going from the site.
14 The Lighting Plan was designed to minimize light pollution in the surrounding areas.

15
16 Mr. Crowell reported that the Engineering Department did a lot of the civil work, including a review
17 of the Traffic Study prepared by Hales Engineering, which was included in the meeting packet. Hales
18 Engineering’s judgment was that there would not be any significant traffic impacts as a result of the
19 proposed facility. The drainage plan was found to meet City Code.

20
21 In response to Commissioner Kraupp’s question regarding funding of the facility, Mr. Reid reported
22 that the proposed facility will house two of the three departments in Public Works consisting of the
23 Water and Streets Departments. The Parks Department will remain in the current Parks Building on
24 the Rodeo grounds. The Water Department will pay for half of the building, which is a non-General
25 Fund or Enterprise Fund. The City will bond for the rest of the building. The City is looking to make
26 a down payment of \$5 million to reduce the amount to be financed. Mr. Reid reported that when the
27 Utah Department of Transportation (“UDOT”) took over Porter Rockwell Boulevard they indicated
28 that they would give Bluffdale the difference between what the City paid for a local road and what
29 the City actually paid for the road that was built to UDOT’s standard. The refund amounted to
30 approximately \$7 million. About \$5 million of the refund will be committed to this project. The

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1 project itself will cost \$15 to \$16 million. The bond that was submitted will not exceed \$16 million.
2 Consequently, the anticipated bond will be for approximately \$11 million.

3
4 In response to Commissioner Kraupp’s question regarding the project timing, Mr. Reid indicated that
5 work would begin as soon as possible. Mr. Reid reported that there had been some debate about
6 whether City Hall or the Public Works Building should be built first. It was ultimately decided that
7 City Hall would be constructed first. He explained that a Public Works facility should be built on at
8 least seven acres and the current Public Works facility is on just under two acres. Public hearings for
9 the facility were conducted two years ago. The design shows the canal on one side, Bangerter
10 Highway on the north, and a road on the east. One home touches the subject property in the rear.
11 Two years ago, those residents were amenable to the proposed facility. The goal of the design was
12 to have a minimal impact on the area.

13
14 The Project Architect, Scott Holmes, gave his business address as 577 South 200 East in Salt Lake
15 City. Mr. Holmes reiterated that the proposed design included shared design themes with the City
16 Hall and Fire Station 92 on the east side of the City. A particular focus of the design was to ensure a
17 minimal impact on the surrounding area. He confirmed that public hearings have taken place with
18 particular emphasis on the neighbors nearby to garner their support and address concerns. Frontage,
19 beautification, and setbacks were designed to soften the transition from the residential to the proposed
20 project. Mr. Holmes showed what the view of the site would be from Asherwoods Cove to confirm
21 their effort to soften the transition from the adjacent neighborhood to the proposed project. The
22 surrounding landscaping will buffer the noise and light emanating from the site. The appearance of
23 the buildings will be similar to City Hall and the Fire Station. Mr. Holmes presented a rendering of
24 fleet maintenance bays, which will be placed behind a secured fence.

25
26 In response to a question raised by Chair Cragun, it was confirmed that 13800 South will be the only
27 access to the subject property. It was noted that certain parts of the site will be secured.

28
29 Mr. Holmes confirmed that the surrounding walls will be consistent with what was shown presented.
30 Mr. Crowell added that the R-1-43 Zone requires 10-foot setbacks from the accessory building to the
31 property line. Because the proposed site is in the R-1-43 Zone, the same buffer requirements imposed

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1 in commercial zones do not apply. However, it is typical for an eight-foot wall to separate commercial
2 from residential sites.

3
4 Public Works Director, Shane Paddock reported that an Open House took place about two years ago
5 to share the vision of the project with the public. The subject property has been the first choice for
6 this facility. Fliers were delivered to every home in Asherwood and Palisades with 25 to 30 residents
7 attending the Open House. He specifically met with residents who live on the south side of the subject
8 property. At that time, they were amenable to the City’s plans for the property. The eight-foot wall
9 on the property line would buffer the facility from the adjacent neighborhood. There are also areas
10 on the site plan that describes the anticipated paving that will occur. Bulk materials to be stored on
11 the site would include sand and gravel, salt, road base mix, cold mulch material, and other materials
12 commonly used by the Public Works Department.

13
14 Mr. Paddock clarified that truck traffic to bring bulk materials will be sporadic and infrequent. The
15 most frequent delivery would be for the salt storage beginning in late October and continuing for as
16 long as dictated by the weather. Those deliveries will typically take place during the day. The current
17 work hours are from 7:00 a.m. to 3:30 p.m., and there are no weekend work hours. The Division of
18 Water Quality has shut down maintenance in the City. Currently, the City is not allowed to use the
19 vac truck for storm drain maintenance or mainline breaks. They are also not allowed to sweep the
20 roads or clean storm drains because the City does not have the facility to handle the materials. The
21 current salt storage site is inadequate and will likely be shut down. It was stressed that the City is in
22 great need of the new facility.

23
24 The timing of the construction of the facility would be about 1.5 years. In the meantime, the City will
25 be able to function but not to the degree it needs to because there is the potential for fines to be
26 imposed for the City not complying with the regulations imposed by the Division of Water Quality.
27 Mr. Paddock reported that to date the Parks Department has been able to meet its needs at its current
28 location. The Public Works Department is approximately 25 employees short of where it should be
29 to meet the City’s maintenance needs. He felt that the new facility would make it easier to resolve
30 that employee shortage.

31

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1 Commissioner Swanson thanked. Paddock for his due diligence in addressing the concerns of the
2 neighbors.

3
4 Chair Cragun commented that although there was no public hearing conducted tonight, she received
5 an email from someone asking if the developer plans to fence off the existing homes that will be torn
6 down. Mr. Paddock responded that the area will be fenced before construction begins and the homes
7 will be razed before starting the project.

8
9 Mr. Holmes reported that the vehicular flow design was intended to minimize any backups. It will
10 consequently reduce the noise created by trucks backing in and out. There will be security perimeter
11 fencing with fabric to limit the visibility of the construction taking place. The goal was to limit the
12 impact on the neighbors and roadway access during construction.

13
14 **Ulises Flynn moved to APPROVE the Site Plan Application 2023-01, for the City of Bluffdale**
15 **Public Works Complex, as submitted, based on the following:**

16
17 **Findings:**

- 18
19 **1. That all requirements of the City Codes and adopted ordinances are met as**
20 **applicable to a public use in the R-1-43 zone.**
21
22 **2. That the site design has adhered to the City’s site plan design and landscaping**
23 **requirements to the extent practicable, based on the unique use and operational**
24 **requirements.**

25
26 **Erik Swanson seconded the motion. Vote on motion: Ulises Flynn-Aye, Erik Swanson-Aye,**
27 **Tina Griffis-Aye, Kory Luker-Aye, Debbie Cragun-Aye. The motion passed unanimously.**
28 **Alternate Planning Commissioner, Michael Kraupp did not participate in the vote.**
29

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1 **LEGISLATIVE ITEMS**

2
3 **5. PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION on Proposed**
4 **Text Amendments to the Bluffdale City Land Use Ordinances Regarding Accessory**
5 **Dwelling Units, Bluffdale City Code (“BCC”) Chapter 11.340 and Associated Definitions**
6 **in the BCC 11.20, City of Bluffdale, Applicant. (Application 2022-49) – Staff Presenter,**
7 **Grant Crowell.**
8

9 Chair Cragun reported that the public hearing for the above item remained open from the previous
10 meeting. The Planning Commission was asked to forward a recommendation to the City Council.

11
12 Mr. Crowell thanked the Planning Commission for their feedback from the previous meeting. He
13 made changes to the proposed text amendments based on that feedback. Mayor Hall expressed deep
14 appreciation for the thoughtful consideration the Planning Commission gave to the proposed text
15 amendments. Pending concerns were design standards and the maximum and minimum size of
16 Detached Accessory Dwelling Units (DADU). Other concerns pertained to whether paved parking
17 should be required.

18
19 Mr. Crowell reported that he asked the City Attorney to review the draft, as well. Mr. Crowell
20 provided a brief overview of the changes made to the document. One question that was addressed
21 with the City Attorney was whether a homeowner could have both an Internal Accessory Dwelling
22 Unit (IADU) and a DADU. The legal opinion was that a homeowner could have both provided they
23 have adequate parking designated for the residents of both.

24
25 Chair Cragun asked that the document be reviewed from beginning to end.

26
27 Mr. Crowell presented the Definitions Section and reported that there are two types of Accessory
28 Dwelling Units (“ADU”) consisting of IADUs and DADUs. Mr. Crowell clarified that if an
29 individual wants to have a legal ADU the homeowner must occupy one of the units. Chair Cragun
30 asked why the ADU has to be a long-term rental unit. She gave an example of a person building a
31 DADU and allowing a family member to live in it rent-free. Mr. Crowell stated that he could allay
32 that concern by specifying rental or occupancy.
33

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1 Commissioner Luker asked why the 30-day requirement was included in both the IADU and DADU
2 definitions and not just consolidated by specifying the requirement for all ADUs. Mr. Crowell
3 indicated that that would be an option. He did not object to redundancies when rules are being
4 articulated. The 30-day requirement could be applied to ADUs, IADUs, and DADUs.

5
6 Mr. Crowell next reviewed the Scope Section. Commissioner Kraupp asked Mr. Crowell to explain
7 the thought behind setting the square footage and the percentage level requirements. Mr. Crowell
8 stated that the current City Ordinance does not have a 6,000-square-foot limitation for IADUs. The
9 requirement stipulates anywhere a parking space can be placed. State Code specifies that ADUs do
10 not have to be allowed on lots smaller than 6,000 square feet. Beyond that minimum lot size
11 requirement, ADUs must be allowed. Mr. Crowell opted to emulate the State Code. There are parts
12 of Independence that could have lot sizes that are smaller than 6,000 square feet. The main concern
13 at the State and City levels is the provision of an off-street parking space for an ADU. The 10,000-
14 square-foot minimum requirement for DADUs was based on a discussion he had with the City
15 Council.

16
17 Commissioner Flynn considered the minimum requirements to be overly permissive, especially for
18 Independence, where the lots are small and cars are abundant, which makes parking challenging. Mr.
19 Crowell explained that the requirement cannot be more stringent than State Code. As a result, the
20 IADU requirement cannot change the minimum lot size requirement to anything greater than 6,000
21 square feet. Therefore, the proposed text amendment would be less permissive than what the City is
22 currently allowing for IADUs. The State is currently not addressing DADUs. Mr. Crowell noted that
23 paragraph A would be less permissive than the current norm. Paragraph B has no guidance from
24 State Code.

25
26 Chair Cragun asked if it was still the intent to use the R-1-43 Zone as the starting point for DADUs,
27 as discussed at the previous meeting. Mr. Crowell explained that that requirement would eliminate
28 Spring View Farms and Parry Farms, which are the primary neighborhoods with 10,000-square-foot
29 lots and other areas that are zoned R-1-10. Chair Cragun noted that Spring View Farms and Parry
30 Farms have Homeowners Associations (“HOA”), so they may have Codes, Covenants, and
31 Restrictions (“CC&Rs”) in place that prohibit DADUs. Mr. Crowell stated that the Planning

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1 Commission will forward a recommendation to the City Council who will make the final decision.
2 The consensus of the Commission was to support Paragraph A, as proposed. Paragraph B could be
3 higher. Commissioner Luker felt that 10,000 square feet would be an appropriate lot size for a
4 DADU. Commissioner Flynn felt that R-1-43 should still be the starting point.

5
6 Chair Cragun remarked that State mandates should not be the only consideration. She felt that
7 Bluffdale needs to do its part to address the affordable housing problem. She also thought a lot about
8 people’s property rights as she reviewed the draft. She was leaning toward not limiting personal
9 property rights if the parking stipulation can be met. Commissioner Flynn did not want to exacerbate
10 the problem where overcrowding is already an issue. Chair Cragun commented that a query needed
11 to be made to determine how many 6,000 and 10,000-square-foot lots will be able to accommodate
12 an off-street parking space for an ADU.

13
14 Mr. Crowell stated that since there is a lack of consensus on certain aspects of the proposed text
15 amendments, the motion would need to address where there is and is no consensus. Commissioner
16 Flynn had no issues with the IADU but he had definite concerns with DADUs. Commissioner Griffis
17 was a firm believer in property rights and did not want to infringe on personal property rights. She
18 suggested that lot configurations and the protection of privacy be considered.

19
20 Mr. Crowell next addressed the Approval Process, which is an administrative matter. He explained
21 that to make an ADU legal, an application must be submitted to the Zoning Administrator and a
22 permit issued. During that process, a Building Permit must be obtained to ensure compliance with
23 the Building Code. The applicant must also confirm that they occupy one of the units. With regard
24 to Paragraph B, Mr. Crowell explained that a Land Use Permit runs with the land and the notice is
25 posted on the property record that is maintained by the City. The City Council does not want to
26 require an annual permitting process although some cities do have that requirement. A similar
27 requirement would be onerous and require more staff than the City has currently.

28
29 In response to Chair Cragun’s question about current non-conforming individuals as it pertains to
30 Paragraph E. Mr. Crowell stated that that issue is addressed later in the document. Some non-
31 conforming instances will have to be grandfathered into the new Code. With regard to the last

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1 sentence in Paragraph E, Mr. Crowell stated that it was the applicable Building Code when the ADU
2 was first created and not necessarily the current Building Code. Mr. Crowell added that in the case
3 of non-conforming ADUs, the main concern would be the assurance that the ADU is a safe, habitable
4 place.

5
6 Mr. Crowell next addressed General Accessory Dwelling Unit Standards. In particular, only one
7 IADU is allowed in a home. An ADU cannot be in a mobile home or where there is an inadequate
8 septic system. ADUs cannot have separate utility meters to prevent the splitting of lots. A property
9 owner can allow a family member to stay in an ADU for free but it must not be used as an Airbnb.

10
11 Chair Cragun asked what other cities do with their percentage allowance ADUs. Mr. Crowell offered
12 to research that question. He noted that some lots in Bluffdale are very large.

13
14 Commissioner Luker asked if the suggested minimum of 400 square feet would fit in the size category
15 of the document. It was noted that there is no minimum size requirement for an IADU because it
16 might make it impossible for a homeowner to create a basement apartment as an IADU.

17
18 Mr. Crowell explained that Paragraph I specifies that the homeowner must live on the property where
19 an ADU is located. Paragraph I includes exceptions to that requirement. The homeowner can live in
20 the larger or smaller dwelling unit. Commissioner Kraupp asked how compliance would be enforced,
21 particularly in a scenario where the property owner has sold the property and vacated the primary
22 residence but the renter still lives in the ADU. Mr. Crowell stated that Code Enforcement has to wait
23 until there is a complaint before verifying non-compliance. Prosecution of code violation takes place
24 in a criminal court, so the City must have clearly defensible evidence to present in court. The City is
25 considering the implementation of a Civil Court that would allow for a lesser evidentiary standard.
26 Unless there is an issue, the City will never hear about it.

27
28 Commissioner Kraupp said that the language needs to be changed to accommodate the fact that a
29 person selling their property needs flexibility to move out before the sale closes but not evict the
30 renter. Mr. Crowell stated that an ADU, by definition, must have the areas needed to live
31 independently such as a private entrance, bathroom, kitchen area, living area, and sleeping area. Mr.

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1 Crowell explained that the obvious, observable problem is the lack of parking. Taking non-
2 compliance to a criminal court would require significant time and expense. There was discussion
3 regarding the potential problems associated with having a minimum lot size of less than 400 square
4 feet.

5
6 Mr. Crowell explained that although Paragraph K does not allow a property owner to have both an
7 IADU and a DADU, it would be difficult to tell someone that if they are going to build a DADU on
8 their property, they may not rent out their current IADU. It was clarified that this is a zoning issue.
9 Mr. Crowell indicated that he would need to revise Paragraph K which states that property cannot
10 contain both a DADU and an IADU. If the parking requirement is met, that should be sufficient.

11
12 Paragraph L addresses parking. The parking provided for residents of ADUs must be an all-weather
13 surface rolled with compacted road base, asphalt, or concrete. Chair Cragun considered these options
14 to be reasonable. Mr. Crowell emphasized that ADU parking must be off-street. Commissioner
15 Flynn addressed the number of parking places that might be needed to allow for off-street parking.
16 There was discussion regarding the merits of basing the number of parking stalls on the number of
17 bedrooms. The current requirement for IADUs is one parking place.

18
19 Paragraph Q regarding addressing was an issue because it might give the impression of splitting a lot
20 and make it confusing to sort out the mail for the residents of the primary dwelling and the ADU.
21 The consensus was to allow the use of unit numbers. The Post Office would also likely be supportive
22 of the use of separate mailboxes.

23
24 Paragraph R was not seen as a problem in terms of allowing an ADU to run with the land.

25
26 Commissioner Flynn thought it might be prudent to pause the discussion and table the matter to the
27 next Planning Commission Meeting. A consensus of the Commission agreed.

28
29 **Ulises Flynn moved to TABLE discussion of the proposed text amendments to the Bluffdale**
30 **City Land Use Ordinances regarding Accessory Dwelling Units, Bluffdale City Code (“BCC”)**
31 **Chapter 11.340 and Associated Definitions in the BCC 11.20, and leave the public hearing open.**
32 **Erik Swanson seconded the motion. Vote on motion: Ulises Flynn-Aye, Erik Swanson-Aye,**

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1 **Tina Griffis-Aye, Kory Luker-Aye, Debbie Cragun-Aye. The motion passed unanimously.**
2 **Alternate Planning Commissioner, Michael Kraupp, did not participate in the vote.**

3
4 Mr. Crowell invited the Planning Commissioners to ask any questions they may have before the next
5 meeting.

6
7 **DISCUSSION ITEMS**

8
9 **6. Planning Commissioner Business**

10
11 Mr. Crowell reported a meeting is scheduled for April 5 to continue the discussion on the text
12 amendments. There will be time to conduct Planning Commission training as well. He asked the
13 Planning Commissioners to tell him what they would like to learn about traffic studies. Chair Cragun
14 stated that the detail was not needed but there is a common perception among residents that traffic
15 will be negatively impacted while the Traffic Study results were to the contrary. She wanted to learn
16 how to deal with the two sides of that debate. Mr. Crowell explained that all of the studies are based
17 on metrics that are established elements of the industry standards for traffic study analyses. He noted
18 that people will seldom be pacified by the methodology of traffic studies if they disagree with the
19 findings.

20
21 Mr. Crowell reported that the March 22 City Council meeting would tentatively be canceled.

22
23 In response to Commissioner Swanson’s question regarding Planning Commission elections for Chair
24 and Vice Chair, Mr. Crowell stated that that should be happening soon.

25
26 In response to Commissioner Swanson’s question regarding the 2023 Utah legislative session,
27 Mr. Crowell reported that there were a few changes. Staff would be getting some training. Bluffdale
28 was ahead of the curve since a law was passed that would allow elected bodies to not be the approval
29 authority for subdivision plats. He assumed the Governor would sign the bill into law. Previously,
30 the City Council was the approval authority.

31
32 Changes were also made to some noticing requirements. Some laws passed that deal with the number
33 of submittal reviews can take place on a proposal.

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1
2 Mr. Crowell reported that the Utah League of Cities and Towns (“ULCT”) has some open training
3 for Legislative Updates on April 5 and a Housing Training on March 29. The training is free and
4 can be accessed via Zoom.

5
6 Mr. Crowell reported that the Grand Opening of the new restaurant went well. It took two years and
7 three months from the first phone call to the City to the Grand Opening.

8
9 In response to Commissioner Flynn’s question regarding the Holiday Oil status, Mr. Crowell reported
10 that it is coming along. The owners are determined to get it done in spite of the hurdles that have
11 impeded progress. In addition, a site plan for a 7-Eleven on Porter Rockwell and Redwood Road has
12 been approved.

13
14 Mr. Crowell reported that there are a lot of projects in the queue but financing needs to be determined.

15
16 **7. Adjournment.**

17
18 The Planning Commission Meeting adjourned at 8:10 p.m.

19
20
21
22
23 _____
24 Tiffini Shinsel, Community Development Coordinator

25 Approved: _____

Item 5



MEMORANDUM

TO: Planning Commission
FROM: Grant Crowell
DATE: 30 March 2023
SUBJECT: Accessory Dwelling Units Updates

At the Planning Commission meeting on March 15, 2023, the Commission went through the first portion of the ordinance amendments in detail. We left off on section 11/240.050. Some follow-up items were requested and some modifications were made to the updated and attached draft. These items are:

- Added “or occupancy” to the definitions of I-ADU and D-ADU so that it doesn’t necessarily have to be rented (could be gifted, family usage, traded for services, etc.), and the same phrasing to the base definition for all ADUs
- Added a 90 day exception for occupancy during ownership changes
- Fixed formatting and incomplete sentences in 11.440.040(L) and (N)

Things discussed in detail but not modified:

- Threshold for lot size which allows ADUs to be located upon
 - Some other examples across the state did not prove consistent, for example:
 - Erda has no small zoning districts, so D-ADUs are allowed on ½ acre lots, max size 1500 square feet
 - Tooele minimum lot size for D-ADU is 8,500 square feet, for I-ADUs is 6,000 square feet, min size 800 sf, max 1200 sf
 - Weber County appears to allow D-ADUs in most zones, including those less than 20,000 sf, which has some modified standards for lot coverage; min size 400, max 2000, unless it takes up entire basement
 - Ivins has guest houses or casitas, but appears to restricts rental of them
 - Many rural areas I looked up seem to have out of date codes and hindered the research
 - My finding is it is all across the board, many places allow them by right, some have clear policy goals in mind, density, size, and appearance

**Exhibit A –
City of Bluffdale
Draft Text Amendments to Accessory Dwelling Unit Land Use Regulations found in Bluffdale City
Code – 3/30/23**

11.20.020 Definitions

Add New Definitions:

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ACCESSORY DWELLING UNIT (ADU): A habitable living unit added to, created within, or detached from a primary dwelling and contained on one lot for the purpose of offering a long-term rental or occupancy of thirty (30) consecutive days or longer.

ACCESSORY DWELLING UNIT, DETACHED (D-ADU): An accessory dwelling unit, located in a permanent structure with a permanent foundation, detached from a primary dwelling for the purpose of offering a long-term rental or occupancy of thirty (30) consecutive days or longer.

ACCESSORY DWELLING UNIT, INTERNAL (I-ADU): An accessory dwelling unit created:

A. Within a primary dwelling;

B. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and

C. For the purpose of offering a long-term rental or occupancy of thirty (30) consecutive days or longer.

PRIMARY DWELLING: A single family dwelling that is detached and is occupied as the primary residence of the owner of record.

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**UPDATE EXISTING BLUFFDALE CITY CODE FOR ALL ACCESSORY DWELLING UNITS
(repeal and replace existing ADU Code in its entirety)**

11.340 ACCESSORY DWELLING UNITS

11.340.010 Purpose

11.340.020 Scope

11.340.030 Approval Process

11.340.040 General Accessory Dwelling Unit Standards

11.340.050 D-ADU Development Standards

11.340.060 I-ADU Standards

11.340.070 Recorded Notice

11.340.080 Nonconforming Units

11.340.090 Violations

11.340.010 Purpose

The purpose of this chapter and any rules, regulations, standards and specifications adopted pursuant hereto are to:

- A. Permit property owners within certain residential zones to establish an accessory dwelling unit (ADU) within a single-family dwelling or accessory building subject to regulations set forth herein.
- B. Accommodate such housing in certain single-family residential zones with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion and compatible scale and appearance of residential buildings.
- C. Prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, Building Code violations and associated decline in quality of single-family residential zones.
- D. Set forth standardized terms and standards for accessory dwelling units and procedures for review and approval of the same.

11.340.020 Scope

The requirements of this chapter shall apply to all ADUs within the City.

- A. Internal ADUs (I-ADUs) shall be a permitted use in all primary residential zoning districts, mixed use zones, and special district zones within single family dwellings on parcels greater than 6,000 square feet.
- B. Detached ADUs (D-ADUs) shall be a permitted use in all primary residential zoning districts, mixed use zones, and special district zones on individual lots or parcels 10,000 square feet or greater in size that contain no more than one single-family dwelling.

11.340.030 Approval Process

- A. All property owners desiring to establish an ADU must apply for, and obtain, approval prior to utilizing the accessory dwelling unit, using forms provided by the Planning Department.
- B. An ADU shall not be rented or leased or offered for rent or lease unless the owner of record possesses a valid ADU permit.
- C. Applications for ADUs shall be reviewed and approved by the designated Land Use Authority in accordance with subsection 11.030.090(I) of this title. The applicant and/or any person adversely affected by a decision of the Land Use Authority regarding the proposed ADU may appeal such decision to the Appeal Authority, as designated in subsection 11.030.090(I) of this title, by filing written notice of appeal with the Planning Department within ten (10) calendar days from the date of such decision.
- D. An ADU Permit issued by the Zoning Administrator shall be required for the development and use of any ADU and shall only be issued once all regulations and standards of this chapter as applicable to the specific type of ADU are met.
- E. Building Permit required. All applicants for ADU approval shall obtain a building permit for construction or inspection associated with the proposed ADU, regardless of method of creation or whether a non-permitted ADU has previously completed construction. No ADU permit and/or certificate of occupancy shall be issued for an ADU until all associated construction is complete and inspected pursuant to applicable building codes.
- F. Statement of Owner Occupancy. An application for an ADU shall include documentation, using forms provided by the Planning Department, that demonstrates an owner occupant resides in one of the approved dwelling units on the property.

11.340.040 General Accessory Dwelling Unit Standards

The following standards and conditions shall apply to all accessory dwelling units:

- A. Location: An I-ADU must be enclosed within the primary dwelling.
- B. Primary dwellings are not permitted to contain more than one I-ADU. I-ADUs are not permitted within a D-ADU or other detached structure.
- C. I-ADUs shall not be permitted in single-family residential dwellings located on lots or parcels that are six-thousand square feet (6,000 ft²) or less in size.
- D. I-ADUs are not permitted within mobile homes.
- E. ADUs are not permitted within a primary dwelling unit or on a parcel serviced by a failing septic system.
- F. Separate utility meters may not be installed for any I-ADU or D-ADU.
- G. An I-ADU or D-ADU shall not be rented or leased for a time period of less than thirty (30) consecutive days. Only one rental agreement or lease shall be in effect at any one time.
- H. Size: The accessory dwelling unit shall be accessory and subordinate to the primary dwelling. For purposes of this subsection, accessory and subordinate requires the accessory dwelling unit to be no more than fifty percent (50%) of the total square footage of the dwelling.
- I. The primary dwelling associated with any ADU shall be occupied by the owner of record as their primary residence and shall not be separately rented or offered for rent. If the primary dwelling associated with the ADU ceases to be occupied by the owner of record, the ADU shall not be rented, leased, hired or loaned. Owner occupancy of the primary dwelling shall not be required when:
 - a. The owner has a bona fide, temporary absence of three years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - b. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities;
 - c. The property is changing ownership for up to 90 days; or
 - d. The owner lives in the approved ADU.
- J. Number: A maximum of one ADU shall be allowed per parcel which contains a primary dwelling. ADUs shall contain no more than one dwelling unit.
- K. D-ADUs shall not be permitted for any property containing an I-ADU. As a condition of approval for a new D-ADU the owner of record shall agree to waive any right to create an I-ADU on the same property unless the D-ADU is first removed from the property. This condition shall be included in the recorded notice of accessory dwelling unit required by section 11.340.070 of this chapter.
- L. Parking: At least one (1) off street parking stall shall be constructed for a I-ADU. A minimum of two (2) off street parking spaces shall be constructed for a D-ADU. Parking stalls for ADUs shall be constructed of an all-weather surface rolled and compacted road base, asphalt, or concrete surface which meet the dimensional requirements of Chapter 11.120 of this Title. Such parking stalls shall be in addition to all off street parking requirements for the primary dwelling on the lot and be reserved for exclusive use by occupants of the approved ADU. The parking stall shall be located behind the front plane of the dwelling and shall not impede or prevent access to the primary dwelling's required parking. The parking stall may be in a

garage only if the stall is in addition to the required number of parking spaces for the primary dwelling and is not a tandem parking stall. Driveways must conform to all applicable building and fire code requirements and adopted standards. See Figure 1 for illustration of permissible parking locations for ADUs.

M. All ADUs shall comply with all applicable building, health and fire codes in effect at the time the ADU is constructed, created or subsequently remodeled. The owner of record shall be responsible to ensure that all required building permits and other permits are obtained for the creation of an ADU.

N.

ADUs that have been previously constructed before May 1, 2023, and cannot be shown to have complied with permit and inspection requirements in effect at the time of their construction shall comply with the requirements of the International Existing Building Code and other applicable adopted building and fire codes and shall comply with all permit procedures and requirements of the City.

O. Number of Residents. The total number of residents that reside in an ADU may not exceed the number allowed for a “family” for the lot on which the accessory dwelling unit is found, as defined in BCC 11.20.

P. Home Occupations. Home occupations may be conducted in an ADU as allowed per Title 3 of the BCC. Standards for home occupations and associated impacts shall be calculated on a total per parcel basis, not per ADU.

Q. Addressing. Separate addressing and mailboxes for ADUs are not allowed.

R. Continuing Use: Approval of an ADU shall run with the land if it complies with all adopted requirements.

11.340.050: D-ADU Development Standards:

The development standards set forth in this section shall apply to each D-ADU:

A. Separate Structure: A D-ADU is a separate structure from the primary dwelling contained on the same lot or parcel as the primary dwelling.

B. Conditions: A D-ADU shall comply with the applicable requirements of section 11.340.040 of this Title and all the following conditions:

1. Only one D-ADU shall be allowed per lot or parcel.

2. A D-ADU shall comply with the same setbacks for an accessory building in the zoning district in which the lot or parcel is located. Regardless of size, a D-ADU cannot be created within a building or structure which has utilized the reduced side and rear setbacks allowed for small accessory buildings or structures in BCC 11.160.260. All structures shall also comply with the maximum lot coverage percentages for the zone in which it resides.

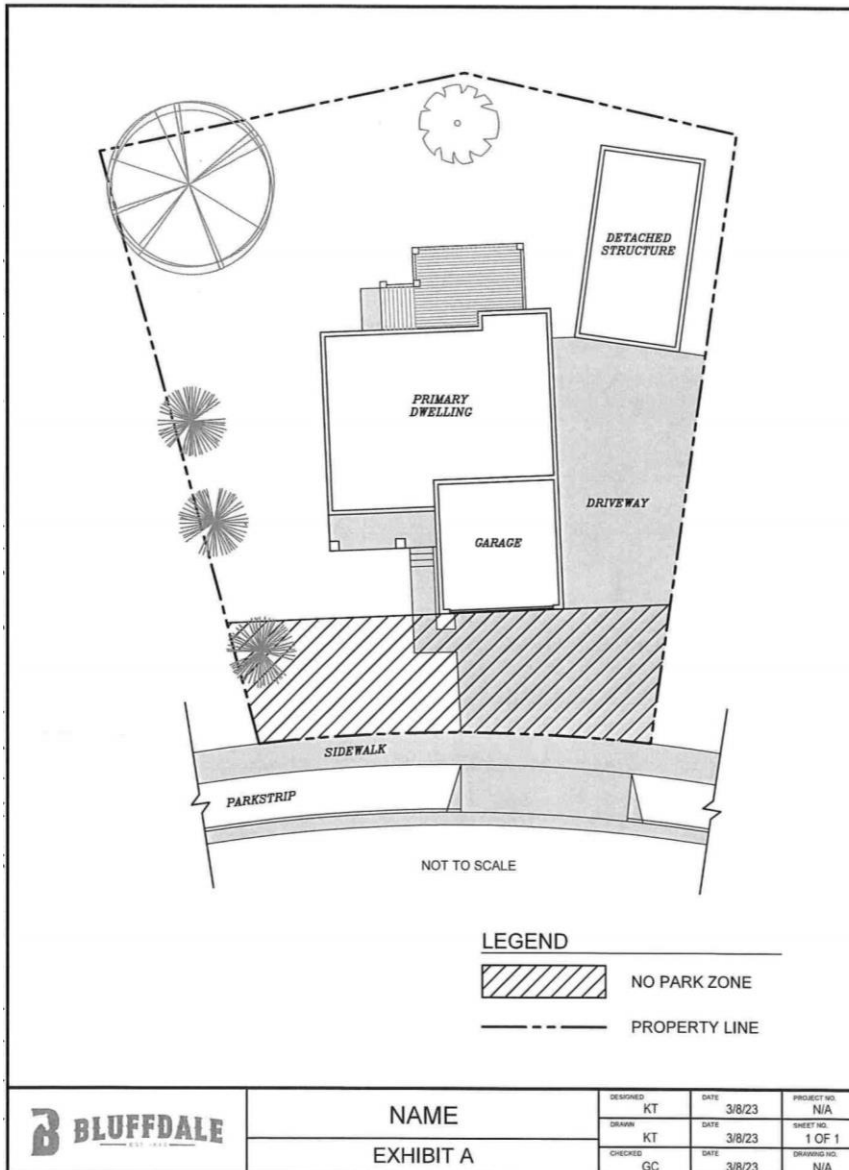
3. A D-ADU shall be located within the rear or side yard area of the lot or parcel and is prohibited within the front yard area.

4. The total square footage of a D-ADU shall not exceed fifty percent (50%) of the primary dwelling's total square footage not including the garage and shall be 400 square feet or greater.
5. A D-ADU shall comply with all building construction and fire codes in effect at the time the D-ADU is constructed, created or subsequently remodeled, including obtaining the required building and other permits.
6. The architectural design, color pallet, and materials of a D-ADU shall be designed to follow the architectural design, style, and character of the primary dwelling. The exterior surface finishes shall have the same visual appearance of the exterior materials and colors of the main building. Structures used for a D-ADU, which received final city occupancy approval before May 1, 2023, and which are not architecturally compatible with the main dwelling may be considered legal non-conforming relative to this design requirement. The following standards apply:
 - a. A D-ADU shall incorporate at least one of the exterior materials used the in the primary dwelling for 20% of all facades of the D-ADU structure.
 - b. A D-ADU shall maintain the same color of the primary dwelling for a least 50 percent of all facades.
 - c. D-ADUs which are constructed in a second floor or story shall have a pitched roof unless the primary dwelling has a flat roof, in which case the D-ADU may have a flat or pitched roof.
8. D-ADUs shall be a permanent structure anchored to a foundation which meets the adopted building codes. Trailers, mobile homes, tiny homes with wheels, and other portable or temporary structures, or structures with wheels shall not be permitted as a D-ADU.
9. Exterior lighting shall provide illumination directed downward. Light source shall not be visible from adjacent properties.
10. Windows on a façade, located within 20 feet of an adjacent property containing a single family or townhome residence shall be translucent or installed as a skylight.
11. Exterior stairways and landings shall not encroach within 20 feet of an adjacent property containing a single family or townhome residence.
12. Balconies on a D-ADU shall be located on the interior side of the lot and building, not adjacent to a rear or side yard shared with a neighboring residence, and:
 - a. Shall not exceed 80 square feet in size when located above the ground level of the building;
 - b. Shall be located a minimum of 20 feet from a side or rear yard lot line unless the applicable side or rear yard lot line is adjacent to an alley;
 - c. Rooftop decks or second-story decks are prohibited on an accessory structure used as a D-ADU.
13. The height of a D-ADU shall conform to the height limit specified for accessory buildings in the zoning district in which it is located.
14. A second kitchen in a D-ADU is not allowed.

15. Entrance Locations. The entrance to an accessory dwelling unit in an accessory building shall be located:

- (a) Facing an alley, public street or facing the rear facade of the single-family dwelling on the same property.
- (b) Facing a side or rear property line provided the entrance is located a minimum of 10 feet from the side or rear property line if at ground level or first story level or 20 feet from side or rear property line if above the first story.
- (c) Exterior stairs leading to an entrance shall be located a minimum of 20 feet from a side or rear property line.

FIGURE 1 PERMISSIBLE ADU PARKING LOCATIONS



11.34.060: I-ADU Development Standards:

The development standards set forth in this section shall apply to each I-ADU:

A. Existing Structure: An I-ADU shall be contained within the existing footprint of the primary dwelling. The existence of a second kitchen within the primary dwelling's footprint does not, by itself, qualify a living space as an I-ADU. An existing second kitchen located within a primary dwelling can be converted to an I-ADU as part of an application for the creation of an I-ADU in compliance with all other standards for I-ADUs listed in this chapter.

B. Conditions: An I-ADU shall comply with the applicable requirements of this chapter and with all the following conditions:

1. Only one I-ADU shall be allowed per lot or parcel.
2. If an I-ADU is created within a garage or carport attached to the primary dwelling, the parking spaces contained within the garage or carport that are removed shall be replaced in accordance with current parking and access standards.
3. The I-ADU shall comply with all applicable building, health, and fire codes in effect at the time the I-ADU is constructed, created, or subsequently remodeled. The owner of record shall be responsible to ensure that all required building permits and other permits are obtained for the creation of an I-ADU.
4. In accommodating an I-ADU within the primary dwelling, the exterior of the primary dwelling may not be changed or altered in a manner that would alter the appearance of the primary dwelling from that of a single-family dwelling.
5. Design And Character: I-ADUs shall retain the compatibility of the primary dwelling with the residential character of the neighborhood. I-ADUs shall include materials comparable to those used on and within the primary dwelling. Construction Codes: The I-ADU shall comply with all adopted building and fire codes in effect at the time the accessory dwelling unit is constructed and shall comply with all procedures and requirements of the City building regulations.

Ownership: The single-family dwelling and the I-ADU shall remain in single ownership and either the single-family dwelling or the I-ADU shall be owner occupied

6. Entrance Locations. Entrances to an I-ADU shall only be permitted in the following locations:

- (a) An existing entrance to the single-family dwelling;
- (b) Exterior stairs on lots other than a corner lot, leading to an entrance above or below the first level of the principal structure, may be located on a side or rear elevation of a building;
- (c) Located on the rear facade of the dwelling.

11.340.070 Recorded Notice

A. As part of the ADU permit process, the owner of the property shall execute a "notice of accessory dwelling unit" affidavit. The city shall record the notice with the County Recorder as a use

condition on the property. The notice shall be in a form approved by the Bluffdale City attorney. Once recorded, a copy of the notice shall be delivered to the owner of record.

B. The notice of accessory dwelling unit shall include:

1. A legal description and address of the property; and
2. Either of the following statements as applicable to the type of ADU permit being issued:
 - a. The primary dwelling contains an approved I-ADU and that the I-ADU may only be used in accordance with the land use regulations of the City of Bluffdale; or
 - b. The property has an approved D-ADU and that the D-ADU may only be used in accordance with the land use regulations of the City of Bluffdale.

11.340.080: Nonconforming Units:

A. ADUs legally established prior to May 1, 2023, may continue to operate under the applicable provisions in effect at the time they were approved and established in accordance with this chapter of the BCC. Provided, however, legal nonconforming ADUs shall obtain and maintain an ADU permit under the procedures of section 11.340.070.

11.340.090 Violations

Violations of this chapter shall be enforced consistent with this title and Utah state code and may include fines and liens.

A. Notice of Violation:

1. Whenever an owner of record has violated any of the provisions of this chapter the City shall provide a written notice of violation. The notice of violation shall:
 - a. Describe the violation;
 - b. Provide the owner of record an opportunity to cure or correct the violation that is:
 - (1) Not less than fourteen (14) days after the notice of violation is issued, for violations of BCC 11.340.040(G);
 - (2) Not less than thirty (30) days after the notice of violation is issued for any other violation;
 - c. Include a statement that if the owner of record fails to cure the violation within the given time period that they may be subject to daily fines, liens, the revocation of permits or approvals, criminal prosecution, and other enforcement actions permitted by applicable law;
 - d. Provide notification to the owner of record that they may file a written objection to the violation within fourteen (14) days after the day on which the written notice of violation is post-marked or posted on the property;
 - e. Indicate the department name and address where the owner of record may file the written objection;

- f. Be mailed to the owner of record, or to any other individual designated to receive notice in the owner's license or permit records, and a copy shall be posted on the property.
- 2. If an owner of record files a written objection to the written notice of violation in accordance with Utah Code 10-9a-530(5) as amended, the Zoning Administrator shall provide notice, hold a hearing, and conduct a review to determine whether the violation described in the written notice of violation has occurred. If the Zoning Administrator determines that the violation in the notice of violation has occurred, the city may impose any of the remedies listed in this section or others as permitted by applicable law.
- 3. If an owner of record does not file a written objection to the notice of violation and does not cure the violation within the time period provided in the notice, the city may impose any of the remedies listed in this section or others as permitted by applicable law.
- 4. If an owner of record cures a violation within the time period prescribed in the notice of violation, or if the Zoning Administrator finds that the violation listed in the notice of violation has not occurred, the city may not impose sanctions.

B. Liens:

1. Notice of lien:

a. A written notice of lien issued under this section shall:

- (1) Comply with the requirements of Utah Code 38-12-102 as amended;
- (2) State that the property is subject to a lien;
- (3) Specify the lien amount for each day of violation after the day on which the opportunity to cure the violation expired; and
- (4) Be mailed to the owner of record, or to any other individual designated to receive notice in the owner's license or permit records, and a copy of the notice shall be posted on the property.

b. Each notice of lien shall be recorded with the respective county recorder.

C. Remedies:

1. Revocation.

a. In addition to cases of an uncured violation as set forth above, an ADU permit may be revoked if the Zoning Administrator determines:

- (1) The permit was procured by false representation; or
- (2) The permit was issued by mistake.

b. After the written notice of revocation is served no further construction for an ADU may continue until a new permit is issued, or the permit is reinstated by the Zoning Administrator.

c. If the permit was issued by mistake, the city shall notify the owner of record of the mistake and the actions or changes that must be made to bring the ADU into compliance with applicable requirements and ordinances.

d. For properties where a permit has been revoked for any reason other than a mistake, a new or reinstated ADU permit may not be issued except in conformance with applicable ordinances, resolutions, regulations, and requirements.

e. Properties for which an ADU permit has been revoked may be subject to the recordation of a notice of non-compliance against the property and shall be prohibited from renting, leasing, hiring or loaning the accessory dwelling unit.

2. The city shall have such other remedies as are and may be from time to time provided by Utah law or city ordinance for the violation of any provision of this title.

3. All remedies pertaining to violations of this chapter are cumulative.